

REMARKS

Claims 1-48 remain in this application with claims 1, 25, 43, and 46 in independent form.

Claims 1-15, 17-34, and 36-48 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fish (United States Patent No. 5,146,790). The Office contends that Fish discloses each and every feature as claimed in the subject application.

Rejection of a claim under 35 U.S.C. §102 requires that each and every limitation be found in the cited reference, either expressly or inherently. If even a single limitation of the rejected claim is not found in the cited reference, a rejection under 35 U.S.C. §102 is improper and must be withdrawn.

Applicant respectfully submits that each and every limitation of claim 1 is not found in Fish. Specifically, Fish fails to disclose each and every element as set forth in the claims, either expressly or inherently. Accordingly, Applicant traverses the 35 U.S.C. §102 rejection and the §102 rejection should be withdrawn.

Specifically, claims 1, 25, 43, and 46 each require a magnetic source to be disposed *within a shaft*. Fish does not disclose, teach, or suggest, such a novel and non-obviousness limitation. On the contrary, Fish does disclose a magnetic source that is disposed exteriorly to and about the shaft. Referring to Figures 1 and 2, the magnetic source is shown as a drive coil 28 connected to an electric supply 30 for changing a charge in a ferromagnetic material 20, 22. Both the drive coil 28 and the electric supply 30 are positioned outside of the shaft. The magnetic source is shown in Figure 3 as permanent magnets 50, 52 positioned outside of the shaft. Thus, Fish does not disclose, teach, or suggest the magnetic source disposed within the shaft.

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Since Fish does not disclose each and every limitation, either expressly or inherently, the §102 rejection should be withdrawn and claims 1, 25, 43, and 46 are believed to be allowable. Claims 2-15, 17-24, 26-34, 36-42, 44-45, and 47-48, which depend directly or indirectly from these independent claims, are also believed to be allowable.

Claims 16 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fish in view of Lugosi et al. (United States Patent No. 5,157,966). Since both claims 16 and 35 depend from allowable claims, the §103 rejection is overcome and claims 16 and 35 are also believed to be allowable.

Accordingly, it is respectfully submitted that the Application is presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

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Date



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CERTIFICATE OF MAILING

I hereby certify that this **Amendment** for United States Patent Application Serial Number **10/763,499** filed **January 23, 2004** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **August 9, 2005**.



Melissa S. Dadisman

KKH/